IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Arbitration Application No. 1999 OF 2006
Arising out of
Arbitration Application No. 18 of 2004

Mahmood Hasan Contractor, R/o 8E/528,
Baurari New Tehri, Uttaranchal … **Applicant.**

Versus

1. The Chairman & Managing Director THDC Limited A-10, Sector-I, Kribhco Bhawan 4th Floor, Noida – 201 301. Dehradun Central Circle, C.P.W.D. Dehradun.
2. The Deputy General Manager (UR) THDC New Tehri, New Tehri, Uttaranchal. … **Opp.Parties.**

Dated 30-03-2006

Hon'ble B.S. Verma, J.

Heard Sri S. K.Jain, learned counsel for the applicant and Sri Sobhit Saharia, learned Advocate for the Opposite Parties.

The applicant has moved this application in Arbitration Application No. 18 of 2004, Mahmood Hasan Vs. The Chairman & Managing Director THDC Limited and another with a prayer that the Sole Arbitrator appointed by this Court vide order dated 11-5-2005, Justice Ashok A. Desai, former Chief Justice Uttaranchal High Court, has passed away. The record of the arbitral proceedings may be withdrawn from the office of Late Sri Ashok Desai and some other Arbitrator may be appointed in the matter to give the Award.

I have perused the record including the earlier order dated 11-5-2005 passed by this Court.

Considering the fact that the Award was not given by the Sole Arbitrator Justice Ashok A. Desai, who is no more, it is expedient in the interest of justice, to appoint a new Arbitrator.

Accordingly, Justice O.P. Garg, Former Judge of Allahabad High Court, R/O E-48, Sector 39, Noida, District Gautam Budha Nagar is appointed the Sole Arbitrator. The Arbitrator shall proceed to decide the dispute in

accordance with law and shall give his Award within a period of six months from the date on which the record of arbitration proceedings are received by the Arbitrator.

The Office is directed to summon the entire record of the arbitration proceedings from the office of the then Arbitrator late Justice Ashok A. Desai and transmit the same to the newly appointed Arbitrator thereafter.

The Office is directed to send a copy of this order to the Arbitrator above-named.

The application is allowed accordingly.

(B.S. Verma, J.)

Dated:- 30-3-2006
MK